



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA  
Chief Executive Officer

April 29, 2014

To: Supervisor Don Knabe, Chairman  
Supervisor Gloria Molina  
Supervisor Mark Ridley-Thomas  
Supervisor Zev Yaroslavsky  
Supervisor Michael D. Antonovich

From: William T Fujioka  
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. Fujioka", followed by the word "for" in a cursive script.

Board of Supervisors  
GLORIA MOLINA  
First District

MARK RIDLEY-THOMAS  
Second District

ZEV YAROSLAVSKY  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

## SACRAMENTO UPDATE

### Executive Summary

This memorandum contains Pursuit of County Positions on Legislation on the following:

- **AB 1793 (Chau).** This bill would require the California Housing Finance Agency to conduct a request for proposals to identify up to six nonprofit organizations as being eligible to accept responsibility, for enforcing the affordability deed restrictions on home-ownership units of a former redevelopment agency, from a city, county, city and county, or housing authority and authorize those entities to transfer responsibility associated with enforcing the affordable deed restrictions on homeownership units to one of the qualified nonprofit organizations identified. Therefore, unless otherwise directed by the Board, consistent with existing policies to: 1) support proposals that make a county's or a local housing authority's participation in any redevelopment project or program subject to local approval; and 2) support proposals which would allow a local housing authority to transfer housing functions previously performed by a former redevelopment agency to the California Department of Housing and Community Development, or to provide funding to a local housing authority for administration of the assumed housing functions, **the Sacramento advocates will support AB 1793 and request amendments to allow housing successor agencies the ability to also assign responsibility for monitoring affordable rental units and real property to a selected non-profit organization.**

*"To Enrich Lives Through Effective And Caring Service"*

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- **AB 1922 (Gomez).** This bill would enact the Greenway Development and Sustainment Act, to promote urban greenway development along rivers in California, including the Los Angeles River, and authorize a local government to apply for public or private funding for development of a greenway in its jurisdiction. Therefore, unless otherwise directed by the Board, consistent with existing policy to: 1) support measures to promote the preservation and restoration of Los Angeles County mountain, bay, watershed, river, oak woodlands, and wetland areas; and 2) support proposals which promote environmentally-friendly flood control improvements and projects, and do not diminish the performance of flood control systems, and oppose legislation or State mandates that would reduce existing levels of flood protection, **the Sacramento advocates will support AB 1922 if amended to: 1) reiterate that development of a greenway shall not result in a reduction of flood protection levels along rivers, such as the Los Angeles River, which includes facilities that are operated, managed, and/or maintained by a government agency; 2) ensure that, in cases where a greenway combines public and private lands, that public access to those lands must be legally authorized; and 3) ensure intergovernmental immunity in situations of overlapping jurisdictions.**

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#### **Pursuit of County Position on Legislation**

**AB 1793 (Chau),** which as introduced on February 18, 2014, would: 1) require the California Housing Finance Agency, on or before July 1, 2015, to conduct a request for proposals to identify up to six nonprofit organizations as being eligible to accept responsibility, for enforcing the affordability deed restrictions on homeownership units of a former redevelopment agency, from a city, county, city and county, or housing authority; 2) authorize a city, county, city and county, or housing authority that has elected to retain the housing assets and function previously performed by the redevelopment agency to transfer responsibility associated with enforcing the affordable deed restrictions on homeownership units to one of the qualified nonprofit organizations identified by the agency, as specified; and 3) require the nonprofit organization to provide an annual audit of below market rate units to the donating city, county, city and county, or housing authority, and would require the city, county, city and county, or housing authority to publish the audit on its Internet Web site.

ABX1 26 (Chapter 5, Statutes of 2012) and AB 1484 (Chapter 26, Statutes of 2012) dissolved redevelopment agencies as of February 1, 2012, and provided for the designation of successor agencies as defined. Existing law authorizes the city, county,

or city and county that authorized the creation of a redevelopment agency to retain the housing assets, functions, and powers previously performed by the redevelopment agency, excluding amounts on deposit in the Low and Moderate Income Housing Fund.

The Community Development Commission (CDC) reports that three cities (Arcadia, Azusa, and Huntington Park) are seeking to transfer the housing assets of their former redevelopment agencies to the Housing Authority of the County of Los Angeles (HACoLA). Due to concerns about potential liabilities and the fact that this transfer would come with little or no resources to administer the housing assets, HACoLA has not yet accepted the vast majority of these assets and, with County Counsel, is reviewing each request to determine if HACoLA will accept these housing assets. CDC indicates that a recently enacted bill, AB 471 (Chapter 1, Statutes of 2014), may alleviate some of the short-term financial concerns associated with administering the housing assets of a former redevelopment agency by providing a "housing entity administrative cost allowance" of up to one percent of the property tax allocated to the redevelopment Obligation Retirement Fund on behalf of the successor agency for each applicable fiscal year, but not less than \$150,000 per fiscal year, between July 1, 2014 and July 1, 2018. However, housing affordability covenants will require monitoring for many years (in some cases decades) beyond that date.

The Community Development Commission indicates that AB 1793 would provide HACoLA, if it accepts the housing successor agency responsibilities for the previously mentioned cities, with the option to transfer (by ordinance or resolution), the responsibility of enforcing the affordability deed restrictions (covenants) of below market-rate units of a former redevelopment agency to one of six independent non-profits that would be selected by the California Housing Finance Authority. Transferring this responsibility to a non-profit would eliminate expenses associated with monitoring affordability covenants for below market-rate units and any related tasks. However, CDC notes that the bill would only allow housing successor agencies to transfer the covenant monitoring responsibilities associated with homeownership units; the bill makes no mention of the responsibilities associated with real property that would be transferred to HACoLA should it become the housing successor agency for those cities. CDC indicates that would include 20 parcels of land (18 from Azusa and two from Arcadia) which cities are seeking to assign to HACoLA. Furthermore, because the bill only references "homeownership" and does not refer to rental units, housing successor agencies would still be responsible for administering and monitoring the affordability covenants for those units, which comprise the vast majority of the affordable housing units that the municipalities are seeking to transfer.

The Community Development Commission reports that while the determination as to whether or not HACoLA will ultimately accept the housing assets of the former redevelopment agencies of the cities of Arcadia, Azusa, and Huntington Park has yet to be determined, AB 1793, if passed, would provide an option for HACoLA to transfer some of the assumed housing responsibilities and relieve some of the financial burden associated with administering them.

This office and the CDC support AB 1793. Support of this measure is consistent with existing Board-approved policies to: 1) support proposals that make a county's or a local housing authority's participation in any redevelopment project or program subject to local approval; and 2) support proposals which would allow a local housing authority to transfer housing functions previously performed by a former redevelopment agency to the California Department of Housing and Community Development, or to provide funding to a local housing authority for administration of the assumed housing functions. **Therefore, unless otherwise directed by the Board, the Sacramento advocates will support AB 1793 and request amendments to allow housing successor agencies the ability to also assign responsibility for monitoring affordable rental units and real property to a selected non-profit organization.**

There is no support for or opposition to AB 1793 on file at this time.

AB 1793 passed the Assembly Housing and Community Development Committee by a vote of 7 to 0 on March 26, 2014. The measure is scheduled to be heard in the Assembly Local Government Committee on April 30, 2014.

**AB 1922 (Gomez)**, as amended on March 20, 2014, would enact the Greenway Development and Sustainment Act, which is intended to promote the development of greenways along rivers in the State through public and private partnerships, including the development of a greenway along the Los Angeles River. The bill would: 1) define the term greenway for purposes of this measure; 2) authorize a city, county, city and county, or other local government entity to designate lands along a river in its jurisdiction, upon approval of its legislative body by ordinance or resolution, or by incorporating such a designation into an adopted general plan element or adopted river master plan; 3) authorize a local government entity to apply for public or private funding available for the development of a greenway in its jurisdiction, to be used in a manner consistent with applicable State laws; and 4) authorize a tax exempt nonprofit organization, as specified, to acquire and hold a conservation easement if the organization has as its primary purpose the development of a greenway.

AB 1922 specifically defines greenway as a pedestrian and bicycle, non-motorized vehicle transportation and recreational corridor that is protected from shared roadways, parallels an urban waterway, and is publicly accessible with specific design standards and amenities (such as landscaping, lighting, public amenities and art).

Existing law establishes various plans and programs intended to preserve, protect, and rehabilitate lands adjacent to rivers in the State. Existing law also authorizes certain entities and organizations to acquire and hold conservation easements, including tax exempt nonprofit organizations qualified to do business in this State that have as their primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, open-space or use.

Existing law also establishes the Los Angeles County Flood Control District (LACFCD) which encompasses all of Los Angeles County including almost the entire watershed of the Los Angeles River, as well as several other rivers. The LACFCD is empowered to provide flood protection, water conservation, recreation and aesthetic enhancement within its boundaries. Current law also authorizes the LACFCD, among other powers, to provide by agreement with other public agencies or private persons or entities or otherwise, for the recreational use of the lands, facilities, and works of the district as long as those activities do not interfere with, or are not inconsistent with, the primary use and purpose of the lands, facilities, and works of the LACFCD.

The Department of Public Works (DPW) reports that the LACFCD and the Army Corps of Engineers (Army Corps) jointly operate and maintain flood control facilities that encompass the entire Los Angeles River watershed as well as several other rivers in the County. DPW also indicates that the LACFCD and the Army Corps protect waterways, public highways, and property from flood or stormwater damage, within their respective jurisdictions. Under certain circumstances, the LACFCD is authorized to provide the public and other entities recreational use of the LACFCD lands and facilities as long as those activities do not interfere with flood control and conservation purposes. DPW supports efforts to rehabilitate the Los Angeles River and other river channels, provided that there are no adverse effects to maintaining or improving flood protection for the residents of Los Angeles County.

The Department of Public Works indicates that the establishment of greenways is part of an overall effort throughout Los Angeles County to revitalize and connect communities along the rivers and provide transportation alternatives, recreational amenities, and healthy active lifestyles, as evidenced by the County's Los Angeles River Master Plan and the City of Los Angeles' River Revitalization Master Plan. Currently, there is limited open-space land between existing development and river channel banks (the LACFCD right of way). DPW reports that AB 1922 would

give municipalities and local agencies the ability to designate areas adjacent to river channels for continuous greenway corridors and allow pedestrian and bike lane trails and other amenities along the rivers. Under AB 1922, if enacted, the appropriate legislative body could designate greenways by ordinance or resolution, or by incorporating such a designation into an adopted general plan element or adopted river master plan.

Additionally, the bill would allow local government agencies to apply for public or private funding, including funding sources not typically considered for river projects, such as transportation, alternative fuels, greenhouse gas reduction, or other land use funding sources designated for transportation corridors or sustainability projects. This would allow a local government to purchase parcels for the development of a greenway in its jurisdiction or fund greenway amenities as funding becomes available.

The Department of Public Works notes that the LACFCD supports legislative efforts such as AB 1922 which would enable Federal interests, public agencies, for-profit, and not-for-profit entities to form partnerships to collaboratively fund the study, design, management, and construction of multi-beneficial projects such as trails and bike paths along river corridors provided that flood protection is not compromised. The DPW also supports efforts to rehabilitate the Los Angeles River and other river channels, provided there are no adverse effects to maintaining or improving flood protection for the residents of Los Angeles County.

The Department of Public Works recommends that AB 1922 be amended to reiterate that development of a greenway shall not result in a reduction of flood protection levels along the Los Angeles River or any other river in the State, and that a local government cannot designate a greenway on land owned or controlled by another city, county or other local government entity. DPW also recommends technical amendments to the definition of the term greenway to ensure that, in cases where a greenway combines public and private lands, public access to those lands must be legally authorized.

This office and the Department of Public Works support AB 1922 if amended as described above. Support of this measure is consistent with existing Board-approved policy to: 1) support measures to promote the preservation and restoration of Los Angeles County mountain, bay, watershed, river, oak woodlands, and wetland areas; and 2) support proposals which promote environmentally-friendly flood control improvements and projects, and do not diminish the performance of flood control systems, and oppose legislation or State mandates that would reduce existing levels of flood protection. **Therefore, unless otherwise directed by the Board, the Sacramento advocates will support AB 1922 if amended to: 1) reiterate that development of a greenway shall not result in a reduction of flood protection**

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**levels along rivers, such as the Los Angeles River, which include facilities that are operated, managed, and/or maintained by a government agency; 2) ensure that, in cases where a greenway combines public and private lands, public access to those lands must be legally authorized; and 3) ensure intergovernmental immunity in situations of overlapping jurisdictions.**

AB 1922 is supported by the: California Bicycle Coalition; Friends of the Sacramento River Parkway; Los Angeles Mayor Eric Garcetti; Los Angeles River Revitalization Corporation; and Save the American River Association. There is currently no opposition on file.

AB 1922 passed the Assembly Local Government Committee by a vote of 8 to 1 on April 23, 2014. The bill is awaiting a hearing in the Assembly Appropriations Committee.

We will continue to keep you advised.

WTF:RA  
MR:VE:AO:ma

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants